THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.12629 of 2006

Dated:23.06.2006

Between:

M.Ramesh Babu and another.

…Petitioners

and

The Mandal Revenue Officer, Bibinagar, and others.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.12629 of 2006

ORDER:

The third respondent made an application to the first respondent (the Mandal Revenue Officer) alleging that the names of the petitioners were entered in the record of rights and pahanies, though she, her father and brother are pattadars of the land comprised in Survey No.164 of Nemergomula Village as per pattadar pass books and title deeds. The application was treated by the Mandal Revenue officer as the one under Section 3(3) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'), and an enquiry was conducted. By the impugned order dated 19.06.2006, the Mandal Revenue Officer ordered for rectification of the entries by deleting the names of the petitioners.

The learned Counsel for the petitioners strenuously contends that the Mandal Revenue Officer committed an illegality while ordering deletion of the names of the petitioners without conducting enquiry and that when there is a title dispute, the recording authority cannot conduct any enquiry under Section 3(3) of the Act and Rule 16 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989.

A perusal of the impugned order would show that after receiving the application of the third respondent the Mandal Revenue Officer issued a notice on 12.05.2006. The petitioners herein submitted their explanations through Sri N. Ramesh Kumar, Advocate of Bhongir. The Mandal Revenue Officer rejected the case of the petitioners and upheld the contention of the third respondent. In this background the other questions of fact regarding the title of the petitioners or the third respondent as alleged cannot be gone into in this Writ Petition. It is for the appellate authority to decide these questions, unless and until there is a suit filed by any of the contesting parties for a better title.

Therefore, liberty is given to the petitioners to approach the appellate authority under Section 5(5) of the Act. As and when such

appeal is filed, the same shall be disposed of after giving notice to the third respondent and other interested parties in the property. This exercise shall be completed within a period of eight weeks from the date of presentation of the appeal.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

(V.V.S.RAO, J)

23.06.2006

Note: Issue C.C by 26.06.2006.

B/o.

vs